

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

JACK FERM,

Plaintiff,

vs.

COLLEEN MCCARTY, et al.,

Defendants.

Case No. 2:12-cv-00782-GMN-PAL

**ORDER**

(Mtn to Exclude Evidence - Dkt. #53)

This matter is before the court on Plaintiff Jack Ferm's Second Rule 403 Motion to Exclude Evidence for Unfair Prejudice, Confusion of Issues, Cumulative and as a Waste of Time (Dkt. #53); Defendants Colleen McCarty's, KLAS, LLC's, and Steve Kanigher's Response (Dkt. #58); and Plaintiff's Reply (Dkt. #77).

Plaintiff's Motion seeks an order excluding evidence submitted by Defendants in support of their Response (Dkt. #45) to Plaintiff's Motion for Partial Summary Judgment on False Light Claims (Dkt. #31). On January 28, 2013, the undersigned entered an Order denying Defendant's Motion for Judicial Notice (Dkt. #11) and a Report of Findings and Recommendation recommending that Defendants' Motion to Dismiss (Dkt. #10) be granted and Plaintiff's First Amended Complaint (Dkt. #5) be dismissed with leave to amend. *See* Order and R&R (Dkt. #109). The court found that Plaintiff had not established the court's subject matter jurisdiction or complied with Rule 8 of the Federal Rules of Civil Procedure. The court has also recommended that Plaintiff's Motions for Summary Judgment (Dkt. ##16, 23, 31) be denied as the First Amended Complaint is deficient, and it is not clear that the court has subject matter jurisdiction.

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1 For the same reasons,

2 **IT IS ORDERED** that Plaintiff's Second Motion to Exclude Evidence (Dkt. #53) is DENIED.

3 Dated this 29th day of January, 2013.

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6 PEGGY A. LEEN  
7 UNITED STATES MAGISTRATE JUDGE  
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